KXXXX

called as a witness by the Defendant, being first duly sworn by the Court, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. SCHAEFER:

Q. Good morning. I need you to first state your name and could you spell both your first and last name for the court reporter.

A. It's Kxxxxx

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Q. And you're doing a good job so far, but keep in mind the acoustics—we've got really high ceilings, so the acoustics are bad, so try to speak as loudly as you can so everyone can hear you.

How old are you, Kxxxxx?

- A. I'm 18.
- Q. And where do you currently reside?
- A. Where do I live?
  - Q. Yeah, where do you live?
- A. I live in Keokuk on Morgan Street.
  - Q. Have you always lived in Keokuk?
- A. Yes.

1 Who do you live with? Q. 2 Α. I live with my aunt right now. 3 Do you have any siblings? Q. 4 Α. Yes. I have four sisters. 5 Q. I hope you have more than one 6 bathroom. 7 A. Yeah. 8 Q. And do your parents also live here in Keokuk? 9 10 Α. Yes. 11 How far did you go in school? Q.. 12 Α. I graduated last year. 13 Q. And where did you graduate from? 14 Keokuk High School. Α. 15 Q. Are you currently working? 16 Α. Yes. I work at Rosie Posie. It's 17 a daycare facility. 18 Is that here in Keokuk? Q . 19 Uh-huh (in the affirmative). Α. 20 Is that a yes? Q. 21 Α. Yes. 22 Q. Kxxxxx, at one time were you a

student at Midwest Academy?

When did you attend?

Yes, I was.

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Q.

A. I got there--it was June 1st of 2014.

- Q. And when did you leave?
- A. It was October 16th of 2016.
- Q. Are you sure it was 2016?
- A. It was '15.
- Q. That seemed like an awfully long time.
- 9 | A. Yeah.

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- Q. Who placed you at Midwest Academy?
- A. My mom did.
- Q. And what was going on that your mom decided to place you at Midwest Academy?
- A. It was more family issues. Me and my mom just kind of butted heads a lot, and we didn't see on the same eye level. I think it has a lot to do with we're close in age, and we just--I mean, we had
- When I didn't live at home, I think our relationship was better.

our differences, and it was just better.

- Q. And is that why you live with your aunt?
  - A. Yes. It's a reason, yeah.
- Q. And you were previously familiar

with Midwest Academy, weren't you?

A. Yeah.

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- Q. How so?
- A. My stepdad worked there.
- Q. Who is your stepdad?
- A. Devon Dade.
- Q. And we've heard a lot of testimony about the level system and the point system. Did you graduate the program?
- A. Yes.
- Q. Did you have any significant difficulties in doing that?
- A. No. Not any unless I brought on a problem myself.
- Q. Is it fair to say that Level 1 is an eye opener?
  - A. Yes.
  - Q. My understanding is there are a lot of rules to learn and abide by?
    - A. Yes.
- Q. Once you left the school in October of 2015, did you continue to have contact with the school?
- A. Yeah. Actually, I went there--a
  part of my contract after I graduated was

to go there after school every day. It kind of just helped me stay in a good environment, and I talked to a lot of the girls still and just, like, was surrounded around good people. And I think it helped me. So I was there every day Monday through Friday.

- Q. You say it was part of your contract after graduation. Why do you have a contract after graduation?
- A. It kind of--like, it transfers you from the program to where you're structured 24-7 to when you go home and there's kind of--it could be no structure for some families.

And the contract just kind of lays out how, you know--there's like a Level 1, and it's not as strict as when you're a Level 1 in the program, but you make it yourself, you know. You make it with you and your family. It's just guidelines on how every level is going look up until you're a Level 6 when you come back to the school and graduate. It just kind of helps your family, like, stay connected

and keep you on your feet.

Q. So it's more a contract with your parents rather than the school?

- A. Right. The only thing that was tied in to the school is you'd call your counselor and just make sure you're doing okay, and they'd call you. I think--my counselor was my dad, so I'd just talk to him about weekly, and we just caught up on, like, how I was doing and some things I needed to work on.
- Q. And so your contract after graduation was to go there every day after school, both for your benefit and then also for the benefit of other students as kind of a peer mentor?
  - A. Yes.
- Q. What did that include? I mean, what sort of things do you do as a peer mentor once you've graduated the program?
- A. Well, I mean it wasn't like a normal thing, but it was just something that I did because I enjoyed doing it.

  Not every student had to do it, but I mean I chose to go back and--I mean, a lot of

my friends were there that I lived with for two years, so it was more of a--I knew I was going to be surrounded around good people. I never felt unsafe. I always felt safe while I was there. It was just something that I liked doing. I liked talking to lower levels that were struggling and helping their day out in any way that I could.

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I liked, you know, doing little activities with my upper level friends, even if that meant just doing little things that we could. You know, like watching movies or something. It's just kind of different with the normal society It's just a different group of today. girls. I think we understood that--I think we understood a different way, you know? I think we understood-- I don't know how to explain it. We understood more of the meaning and you're more grateful for things than people are in today's society. And I liked being surrounded by that.

Q. And you said that you were there

1 for almost-- Well over a year; correct? 2 Uh-huh (in the affirmative). 3 Q . Is that yes? 4 Α. Yes. 5 Q. Did you have occasion to meet 6 Kxxxxxx 7 Α. Yes. 8 Now you two would have been on very 9 different levels, wouldn't you? 10

- Α. Right.
- Because she arrived quite a bit--Q. .
- Α. After me.
- Q. --after you?
  - A. Yes.

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- Q. And would your contact with her have been primarily as one of these peer mentors?
- 18 A. Yes.
- 19 Q. Did that continue after you left 20 the program?
- 21 No. Well, after I left the 22 program?
- 23 Q. Yes.
- 24 A. Yeah. I still came back and she 25 was a person that I would talk to.

Q. How would you describe Kxxxxxx?

- A. She was very quiet. She didn't really talk about how she felt a lot. I didn't have a super close bond with her, so I can't really say a lot.
- Q. But your impression of her was that she was pretty reserved?
  - A. Yes.

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- Q. One of the last times that you saw her, was her demeanor different than what you normally saw?
  - A. Yes, very different.
  - Q. How was it different?
- A. She was more just hateful, I think is the word. Very--just unopen to anything.
  - Q. And that was different for her?
  - A. Yes.
- Q. Do you know approximately when that was?
- A. Around I'd say--around
  Thanksgiving, a little before. It was
  around a holiday towards the end of the
  year, and it was after I had graduated.
- 25 Q. Pardon?

A. It was after I had graduated in October.

- Q. But you think it was around the Thanksgiving holiday?
  - A. Around, yes.
  - Q. Did she appear angry?
- A. Yeah.

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- Q. Is that kind of what you meant by the hateful?
- 10 | A. Yes.
  - Q. As a student for nineteen, twenty months, did you have any familiarity with the OSS rooms?
- 14 A. Yes, I did.
  - Q. And my understanding is every student goes to OSS at intake; correct?
  - A. Yes.
- Q. And that's where they check in their stuff--
  - A. Right.
    - Q. --and do all the intake procedures?
- 22 A. Yes.
- Q. Did you ever have occasion to go
  into OSS for behavioral issues or
  consequences?

- A. No, I didn't.
- Q. In what manner did you go to the OSS rooms?
- A. I went there for my intake the first day I got there, and I went in there to watch the kids that were in there.
- Q. Were you what has been referred to as a rover?
  - A. Yes.

- Q. What is a rover's responsibility?
- A. We sit in front of their door with their door open, and we can talk to them about anything they're struggling with as long as it's on task. You know, if they need to go to the bathroom, we escort them to the bathroom. We get them—we provide them with anything that they ask for within reason.
- Q. And would you have worked on the girls' side, boys' side, or both?
  - A. I've work on both.
- Q. Did you also see counselors and other staff who would come in and check on the students?
  - A. Yes.

Q. As an upper level student, were you allowed to go on different trips and excursions?

A. Yes.

- Q. What sorts of excursions would you go on?
- A. Sometimes we--it could be as little as just watching a movie after all the lower levels went to sleep as just a reward for getting through the day with the lower levels. What else did we do? We'd do, like, trips to Sonic. I remember we went to Burlington to watch a movie in the movie theater at one point. We went out on the boat at one point. What else did we do? Honestly, I don't remember if there were any others. I know there was more. I just can't think of them off the top of my head.
- Q. And those would have been upper level students; correct?
  - A. Right.
- Q. Were they integrated with boys and girls, or is it still girls went on a trip and boys went on a different trip?

A. Mainly it was—if you were an upper level, it was together because it was just kind of transferring you to being around the other gender. But there was a lot of times that, you know, he'd just take the girls out, you know, to go do something special, like get ice cream or something. It wouldn't be long. It'd just be short and sweet.

- Q. Now, you described a boating trip.

  Is it safe to assume that would have been in the summer?
  - A. Yes.

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- Q. How many of those did you go on?
- A. I don't remember.
- Q. On the boating trips, were those usually segregated in boys--
  - A. Yes.
- Q. --went on trip, girls went on a trip?
  - A. Uh-huh (in the affirmative).
  - Q. What did you do while on the boating trip?
- A. We brought a tube and we tubed.

  Other than that, there's nothing really.

Just enjoyed the ride.

- Q. Who drove the boat?
- A. Ben did.

- Q. Did anyone take photographs?
- A. Yeah. At some point we--I remember taking Ben's phone, and me and couple other upper level friends, we took pictures.
- Q. Were you the only one who took pictures?
- A. No. I mean, it was a phone. We weren't used to seeing phones. So I mean, it was kind of like everyone wanted to, you know, take some selfies and take pictures. I'm sure we asked, you know, to take pictures of us.
- Q. So the phone got passed around quite a bit?
  - A. Yeah.
- Q. At some point during your stay,

  Kxxxxx, did you participate in what has

  been referred to as a body image exercise?
  - A. Yes.
  - Q. What was that?
- 25 A. It was more--it was an optional

thing if we wanted to do it. It was just kind of getting us to look at, like, how your body was and if you wanted to work out to, you know, change the body figure. It was--again, it was optional.

We went upstairs and we just kind of seen our body shape and, you know, it was something that if we didn't feel comfortable with, you know, it was an eye opener, you know, maybe I need to start working out or-- I mean, it wasn't much of a-- I don't know how to word it.

- Q. Was it a fairly quick thing?
- A. Yes.

- Q. Where did it take place?
- A. Upstairs. It was the room that we kept our uniforms.
- Q. And when you say it was optional, how were the persons selected?
- A. They weren't. I mean, they weren't selected. It was just he asked if you wanted to do it, and girls would raise their hand.
- Q. And did you all go into the room together, or did you go in individually?

A. No, just one person went in.

- Q. Did some people maybe change their minds once they got up there?
  - A. I don't remember.

- Q. So you go in the room, and then what do you do when you get in the room?
- A. You just look at, you know, your body shape, and that was kind of the point, just to see how you were shaped.

  And then after that you're done. You'd go out and then you got a paper kind of showing, you know, some things that could help, some things you could eat that would help, you know, if you didn't like the body shape that you were. Some exercises, just different things.
- Q. Were you told that you had to remove your clothing?
- A. We weren't told we had to. It was something that would help more to see, like, what type of body shape you were. But it wasn't something you had to do.
- Q. So Ben never told you that you had to get naked?
- 25 A. No.

Q. Approximately how long would you be in the room?

- A. Personally, I was only there for, I'd say, a minute or two.
- Q. And was that consistent with the other girls that were in your group?
  - A. Yes.

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- Q. How many girls were in your group?
- A. I don't remember that. It was, I'd say, anywhere from-- I don't remember.

  I'm sorry. It was a fairly large group
- Q. And the purpose as you understood it was more of a self-esteem informational type thing?
  - A. Right.
- Q. Was there anything about it that made you feel uncomfortable?
  - A. No.

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- Q. Did the girls that you participated in it with at least, did they seem to be excited to do it?
- A. Yeah. I mean, it was an optional thing, so it was—we wanted to do it, you know? It was not something that we were

selected to do that we had to do. It was something that we wanted to do.

- Q. And were there some girls that chose not to participate?
  - A. Yeah.

- Q. Were you also asked at some point to participate in surveys throughout your stay at the class?
  - A. Yes.
- Q. And did one of those include a survey that was seeking information about maybe sexual history?
  - A. Yes.
  - Q. Where was that done?
  - A. We were in a classroom.
- Q. And how many girls are in a classroom at one time?
- A. Oh, there was two separate parts.

  So I think there was maybe like 15 to 20 computers on each side, and then there was a staff on each side of the classroom.
  - Q. And do you remember who asked you to complete the questionnaire?
    - A. Yes. It was Ben.
  - Q. And when--did you have to put your

name on it?

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- A. No.
- Q. In fact, you were told specifically not to; correct?
  - A. Yes.
  - Q. Who did you turn it in to?
- A. We turned it in to the staff member that was at the door, that was sitting at the door.
- Q. Would that have been like the dorm parent?
  - A. Yes. There was one at each door.
- Q. And did you complete it there in the classroom?
- A. Yes.
- Q. Did he say why he was having you do it?
- A. No. There was like--I remember, though, that there was like-- It was more for me-- Never mind.
- Q. Was there anything about the survey that made you uncomfortable?
- A. No. It was anonymous so it never-it was more of a--like an experience for
  me, you know, looking back on my history

more than anything else. So I think it was something that benefited me.

- Q. So you found it to be more insightful?
  - A. Yes.

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- About where in your program did you do this survey?
  - I don't remember. Α.
- Were you ever asked to do other surveys?
  - Α. Not that I remember, no.
  - But it's possible you did? Q.
- 13 Α. Yeah.
- 14 Would it be fair to say you did a Q. lot of stuff in that 16-month period? 15
- 16 Α. Yeah.
- Q. That you don't necessarily always 18 remember?
  - Yeah. I don't remember. Α.
- 20 When you were completing the Q. 21 survey, did you get the impression from 22 other girls that it was making them 23 uncomfortable?
- 24 A. No. It was more of a--like an 25 insightful thing to all of us, I think.

You know, we shared our answers. It was just something that girls talk to girls about, and it was more like you said, an insightful thing that we sometimes didn't realize about ourselves or just things like that.

- Q. But again, there was nothing about it that made you feel uncomfortable?
  - A. No.

- Q. Have you ever done similar surveys?
- A. Yeah. I've done them at my high school that I was a part of, Keokuk High School.
- Q. And was it similar to the one that we're discussing?
  - A. Uh-huh (in the affirmative).
- Q. Is that a yes?
  - A. I've done those on the computer, and I've done, like, regular surveys where you fill in the little bubbles for that kind of thing.
  - Q. When you returned to Keokuk High School, what year in school would you have been?
  - A. I was a junior.

1 Q. Did you ever attend a seminar 2 called the Marriage and Family Seminar? 3 A. Yes. 4 Q. And at some point during that 5 seminar, were the things from the survey discussed? 6 7 A. I don't remember. 8 Q. Did they all start to run together 9 after a while? 10 A. Yeah. Q. Did you do a lot of seminars like 11 12 that? 13 A. Yes. 14 MS. SCHAEFER: I don't have any 15 other questions. Ms. Timmins may. 16 THE COURT: Ms. Timmins? 17 CROSS-EXAMINATION 18 BY MS. TIMMINS: 19 Q. My name is Denise Timmins. We've never met before; correct? 20 21 Α.  $N \circ .$ 22 Q. You did the body image class and 23 you got to look in a mirror when you did 24 that; right? 25 A. Yes.

Had it been a while since you looked in a mirror, or were you up enough a level to have one?

- Α. I was a level where I had one.
- Q. So looking in a mirror wasn't that big of a deal?
  - Α.  $N \circ .$

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- Q. And on the questionnaires, you said the Defendant handed out the questionnaires?
  - I'm sorry? Α.
- The sexual questionnaires? You said the Defendant, Ben, handed them out?
- A. Yes. I remember him coming into the classroom. I don't remember him physically giving them to us. I don't know if he just handed it to the staff, but I do remember that he was the one that, you know, told them to pass it out.
- Q. And you don't remember any other questionnaires?
- A. I don't remember any there. I remember I took some, like, in seminars and different things, different types of 24 questionnaires, like, in seminars. Those

were a common thing.

- Q. But not in the classroom?
- A. I don't remember that, no.
- Q. You saw the Defendant buy gifts for kids?
  - A. Yes.

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- Q. Like what?
- A. Normally just necessities they needed. It could be anywhere from clothes to hair wash to deodorant, anything.
- Q. You knew that he took girls to Victoria's Secret?
- 13 A. Yes. It was more of something that 14 was asked though, like, for him to do. But it wasn't like a trip for that. It 15 16 was a trip to--I'm pretty sure it was 17 Quincy. And it was just a shopping trip 18 for them. And it was actually one of my 19 close friends that I was close to, and she 20 just--her family didn't send her much, so 21 it was of Ben and he got her and took her 22 and got her what she needed.
  - Q. Did somebody talk to you about that before you came in today?
    - A. What do you mean?

1 Q. Well, before you came in today, did 2 somebody talk to you about Victoria's 3 Secret? A. I was talked to, yeah, when I was 5 interviewed. 6 Q. And your friend was Axxxx 7 is that right? 8 A. Yeah. Well, the one that was what? 9 Bought the gift? 10 Excuse me? Q. 11 Axxxx was what friend? Α. Q. Was Axxxx one of the girls 12 13 that had gotten things from Victoria's 14 Secret? 15 A. Yes. 16 Q. Who else? 17 A. Jxxxx 18 Q. Who else? A. That's all I remember. 19 20 That's all that you know of? Q. 21 Yeah. They were like my two best Α. 22 friends. 23 Q. Would the Defendant buy those things for them? 24 25 A. Did he buy it for them?

Q. Yes.

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- A. Yes.
- Q. You never went to Victoria's Secret with him, did you?
  - A. No.
- Q. You said when you were a rover that you talked to the kids all the time. Was that before or after they changed the policies on the OSS room?
- A. It was both. You could talk to them on task before and after.
- Q. Didn't they break structure if they were talking?
- A. No, not necessarily. They could ask if they could have like an on-task conversation, and normally they were granted it.
  - Q. I'm sorry?
- A. Normally they were approved.
  Normally they could.
  - Q. So you're saying they could get permission to talk to you?
    - A. Yes.
- Q. And when you were talking to them,
  you were talking on task?

A. Yes. It was normally about what they were struggling with or anything they needed to talk about.

- Q. When you talked about trips with Ms. Schaefer, you said a lot of times he would just take the girls out. When you said "he" would just take the girls out, were you talking about Ben?
  - A. Yes.

- Q. Ben Trane?
- A. He took both out. He took the girls and boys out. But he did everyone's activities, so a lot of the times he would mix, and then he would take girls out, and then he'd take boys out generally in the same night.
- Q. Okay. I'm just making sure who you're talking about.
  - A. Okay.
- Q. Because you just said a lot of time
  he would just take the girls out. You
  said you went to a movie. Did that happen
  a lot or was that a big treat to do that?
  - A. It was more-- No. It happened a lot. We actually had movie days, like,

every Sunday I'm pretty sure.

- Q. On campus?
- A. Yes.

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- Q. I'm talking about getting to go to Quincy to watch a movie?
- A. Oh. I think I only participated in one activity that we did that.
  - Q. One time?
  - A. What time was the movie?
- 10 Q. I'm sorry. One time?
- 11 | A. Oh, yes.
- 12 Q. And the Defendant took you there?
- 13 | A. Yes.
- Q. You said that you took a boat trip;
  15 is that right?
- 16 A. Yes.
- Q. Do you think that was around

  September 2015, close to right before you

  left?
  - A. I don't remember honestly.
- Q. You had to have been an upper level at that time; correct?
- 23 | A. Yes.
- MS. TIMMINS: Can I approach, Your
  Honor.

THE COURT: You may.

Q. (By Ms. Timmins) I'm going to show you a picture. I've marked it as State's Exhibit 96. Is that you in that picture (indicating)?

- A. No, that's not me.
- Q. That's not you?
- A. No.

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- Q. What about in this picture? And I'm showing you what I've marked as 97.
  - A. Am I in that picture?
  - Q. Correct.
- $\parallel$  A. No.
- Q. Are any of these girls the ones that you went on the boating trip with?
- 16 | A. Yes.
- Q. Okay. So is this the boating trip
  that you were on, the pictures that I've
  shown you?
  - A. I mean, honestly I don't remember if that was the one, but I do remember going on the trip with some of those girls.
  - Q. Okay. Are there any of the girls in the photographs who were not on the

trip with you?

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A. I honestly don't remember everyone that went on that. The only people I remember going on it were the ones that I have pictures of personally that I printed off, which was just Axxxx, I think Rxxxxx. Yeah, I remember some of them, but I don't remember some of them too.

- Q. But it was the Defendant's boat?
- A. Yes.
- Q. And he'd take all the girls out on it, or a group of girls?
  - A. Right.
- Q. And you were saying that you take pictures sometimes with his phone?
  - A. Yes.
- Q. And now your dad is Devon Dade;

  18 correct?
- 19 | A. Yes.
- Q. Your dad worked at Midwest Academy
  for years; correct?
  - A. Uh-huh (in the affirmative).
- Q. Is that a yes?
- 24 A. Yes.
- Q. In the summer, around the summer of

2015, he actually became the director of Midwest Academy; correct?

A. Yes.

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- Q. He was also friends with the Defendant, with Ben?
  - A. Yes.
- Q. And you yourself never once went to the OSS room when you at the Midwest Academy?
  - A. Right.
- 11 Q. Your dad was your family 12 representative?
  - A. No. He was my family rep, I think, the last two months I was there.
  - Q. And you said he was also your counselor?
- A. Just the last two months. Well, it's kind of like the same thing. We 19 counsel with our family rep. He was just my counselor for the last two months 21 because I was transitioning, going home.
  - Q. Counselors and family reps are like the same thing; right?
    - A. Yeah. We had-- Yeah.
    - Q. You for the most part enjoyed your

1 time there? 2 A. Yes. 3 Q. When you were waiting in the hallway to testify today before court, you 5 were with Layani Trane? 6 A. Yes. 7 Q. You're close to the family? 8 A. Yes. 9 Q. You're on Facebook a lot? 10 A. Yes. 11 Q. You have consistently posted on 12 Facebook your support for the Defendant 13 and his family? 14 A. Yes. 15 MS. TIMMINS: That's all I have. 16 Thank you. 17 THE COURT: Ms. Schaefer? 18 MS. SCHAEFER: I just have a couple 19 follow-ups to Ms. Timmins' questions. 20 REDIRECT EXAMINATION 21 BY MS. SCHAEFER: 22 Q. You indicated that the trips you 23 knew of with regard to Victoria's Secret involved Axxxx and a Jxxxx 24 25 A. Yes.

Q. And you indicated that you did not ever go there?

A. No.

- Q. Your parents were local, weren't they?
  - A. Yes.
- Q. So anything you would have needed they could have readily supplied?
  - A. Yes. I got it very quick.
- Q. Was that true of Ms. Starks and Ms. Friesen?
- A. No. Actually, in Axxxx's case her parents didn't send her anything. The same with Jxxxx's. Her parents went through a divorce, and after her parents got through the divorce her mom just kind of—was not necessarily part of her program, but she kind of fell back and Jxxxx—I mean, she didn't really have anybody. I remember there was times her parents wouldn't send her anything. And I mean if you're there—she was there for about two years around the same time I was, and it was just kind of a—she needed—you know, she needed necessities.

And it wasn't just bras that were bought for her. It was, you know, anything she needed from, again, deodorant to shampoo to bras to necessities that girls need every day.

- Q. So essentially for both of those girls, anything they had that would have been outside of the uniforms was purchased by Midwest Academy?
  - A. Yes.

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- Q. And many of those trips or purchases would have been made by the Defendant or other staff?
- A. Yeah. Sometimes their family repwould have bought them some things.
  - MS. SCHAEFER: I don't have any other questions.
- 18 THE COURT: Ms. Timmins?
  - MS. TIMMINS: No questions.
- THE COURT: All right. You may step down.
- The defense may call its next witness.
- MS. SCHAEFER: The defense calls

  Jane Riter. May I go out and retrieve